

"CITS" FAVOR McANENY, THOUGH WHITMAN LEADS

Borough President "Clearly the Best Qualified," They Report to Committee of 107.

STRAW VOTE, 388 TO 227

District Attorney, Heading the First Choices, Is Recognized as Most Formidable Mayoralty Candidate.

Out of 765 returns from requests sent to its 210 members for expressions of opinion as to their first and second choices for Mayor, the Citizens Union has received 388 first choice for District Attorney Whitman and 227 for Borough President McAneny. In spite of that fact, a committee from the organization presented to the committee on candidates of the committee of One Hundred and seven last night a set of resolutions declaring their belief that President McAneny was the best qualified of all the candidates so far proposed. They went further, however, and said they were impressed with the popularity of the District Attorney and would be willing to accept him if the fusion committee should decide he would be a stronger candidate.

No one except Whitman and McAneny received more than fifty votes for first choice. McAneny received more second choice votes than Whitman, so the committee figured that he was the first or second choice of a majority of all those who returned the cards. In sending out the cards the Citizens Union did not ask its members to state whom they considered the most qualified or the most available candidate. The city committee of the organization, which prepared the resolution presented to the committee on candidates of the fusion committee, last night took the view that some of those who voted took one angle of the problem and others the other angle.

Discussed Men and Platform.

The committee of the Citizens' Union which met the fusion committee's representatives last night consisted of William Jay Schieffelin, Raymond V. Ingersoll, W. W. Niles, William Allaire, Shorte, Albert S. Bard, Francis C. Huntington and J. O. Hammett. They not only talked over candidates for Mayor, but also those for Controller and President of the Board of Aldermen. There was some discussion of a platform as well. Previously representatives of the organization had talked personally with the various men who have been mentioned prominently as candidates for the various offices.

The resolutions, representing the views of the City Committee of the Citizens Union, are as follows:

"1. That Borough President McAneny is clearly the best qualified to fill the office of Mayor of all the candidates who have been prominently mentioned.

"2. That we are greatly impressed with the amount of popular support which appears to be behind the candidacy of District Attorney Whitman.

"3. That we believe Mr. McAneny should be nominated if the Citizens Municipal Committee believes he can be elected.

"4. That, while we believe Mr. McAneny the better qualified, yet we believe Mr. Whitman is well qualified for Mayor, and if the Citizens Municipal Committee becomes convinced that Mr. Whitman has a greater following and that his nomination is advisable to secure the election of a fusion Board of Estimate and Apportionment we are then prepared to give our loyal support to the nomination of Mr. Whitman.

"5. That, in order to avoid hasty and ill-considered action, the Citizens Municipal Committee should not announce its candidates for the positions on the Board of Estimate and Apportionment before the end of July or the first part of August.

"6. That the Citizens Municipal Committee should create a separate sub-committee to consider nominations for judicial offices (assuming that the committee intends to consider such nominations), and this sub-committee should canvass the situation and make its report entirely separate from the work of the sub-committee to receive suggestions regarding candidates, which is considering nominations for the Board of Estimate and Apportionment. This is to prevent the judicial candidates being considered last and their nomination dealt with as the county nominations frequently are dealt with, that is, to balance the ticket.

"7. That we would like to be informed what, if any, action the Citizens Municipal Committee will take toward candidates for local offices, like Municipal Court Justices, Assemblymen and Aldermen."

Want Slate by August 1.

This afternoon the executive committee of the fusion committee will meet to receive a report from Joseph M. Price, chairman of the committee on candidates. He said last night it would simply be a report of progress, a digest of the opinions that had been presented to the committee on candidates, and that no suggestions would be made at this time. Some date may be set for the final report of the committee on candidates. The committee wants to get its slate out of the way by August 1 if possible.

Yesterday afternoon the committee on candidates heard representatives of the Society to Lower Rents and Reduce Taxes on Homes and the Death Avenue League. The latter wanted a plank in the platform in regard to the removal of the New York Central tracks.

The City Economy League, which believes that economy should be one of the main issues of the campaign, has appointed a special committee to represent it in conferences with all parties in regard to candidates. It wants to secure the nomination and election to the Board of Estimate of only such men as possess business ability and who are thoroughly alive to the serious financial problems which now confront the city. The league will swing a banner across the street in the vicinity of its headquarters at No. 115 Broadway within a few days.

HIS TAX IDEAS NOT THE SAME.

F. C. Leubuscher, a member of the Harmon Property Owners' Association, registered from that organization yesterday, and in his letter to Dr. Abraham Korn, the president, said: "The majority of the members and delegates do not agree with me on the questions of taxation, especially on the proposition that land values should be taxed at a greater rate than improvements, and as I feel it my duty to publicly advocate such a form of taxation it must necessarily be embarrassing were I to continue my membership."

ELAZING MOUNTAIN LIGHTS SAN FRANCISCO

Fanned by Pacific Trade Winds Flames Leap to the Crest of Tamalpais.

San Francisco, July 9.—Forest fires are blazing fiercely to-night on three sides of Mount Tamalpais, a landmark of all the cities clustered about San Francisco Bay. Three villages are threatened. The mountain was cloaked to-day by a mantle of white smoke which streamed across the bay, but as darkness fell the mountain blazed above the bay and ocean like an enormous beacon, illuminating the sky for miles.

Each morning since the blaze started, it has seemed that danger was past, but each afternoon the trade wind from the Pacific has whipped the flames into life and driven them across canyons and tranches laboriously cut through the underbrush and into fresh timber on the far side of areas burned bare by backfires.

Three thousand soldiers, sailors, naval apprentices, forest rangers, militiamen and volunteers are fighting the flames, and the women in the threatened territory are working as hard as the men.

Shops are closed and business is at a standstill throughout the threatened territory. Thus far there has been no loss of life and little damage to private property, although the possible damage is enormous and imminent.

Mount Tamalpais lies on the north side of San Francisco Bay. Easy of access by ferry and electric lines, and one of the beauty spots of California, its foothills have become dotted with cities and villages, while on its slopes are hundreds of country homes of wealthy Californians.

The mountain is covered with heavy underbrush of bay laurel, chaparral and scrub oak. For two days the fire charged through this brush, climbing to the highest peak. To-day it ate its way to the sea on the west and into the redwoods at the head of two canyons on the east and north leading to Mill Valley, Corte Madera and Larkspur.

Bigthedale Canyon, leading to Mill Valley, is lined with country places. The most exposed of these is the beautiful estate known as the Garden of Allah, owned by Halston Lovett White and valued at \$1,000,000. To-night there was hope of saving it, but it still is in danger.

Reliance on saving Mill Valley and the other towns lies precariously to-night on a trench varying in width from 65 to 105 feet, which it is hoped will stem the fire from further progress down Baldwins and Bigthedale canyons.

SAILOR MAKES AUTOS HALT

Brazilian Whoopsies and Frightens Broadway Chauffeurs.

Caules Campos, a Brazilian sailor who scorns grape juice and landlubbers, turned from his labors of upsetting citizens at Broadway and 125th street last night to holding up automobiles. The speed with which the cars whizzed by north and south appealed to his love of adventure, and he leaped boldly out into the roadway and began shouting and waving his arms at oncoming machines.

Instead of sending their automobiles straight at him and giving Campos some hand-to-hand struggles with six-cylinder craft, such as he delights in, the drivers meekly halted. The fiery southern tar was so disappointed that he leaped on the running boards of several machines and attempted to haul chauffeurs and passengers out of their seats, whooping loudly the while.

Patrolman Saffer arrested Campos after a fight. At the police station it was found the prisoner knew no English, so he was locked up to await the opening of court to-day and the offices of a Portuguese interpreter.

NORRIS FOR CONTROLLER

Philadelphia Banker Said To Be Slated for Office.

[By Telegraph to The Tribune.] Philadelphia, July 9.—Representatives of several of the most powerful financial interests in this city learned to-day from what was considered an authoritative source that George W. Norris, retired millionaire banker, and director of the city Department of Wharves, Docks and Ferries, will be proposed to President Wilson as Controller of the Currency within a few days by Secretary McAdoo of the Treasury Department.

Representative A. Mitchell Palmer, Democratic leader of Pennsylvania, and the administration leader in the House is named as Mr. Norris's sponsor, and it is said that Palmer's suggestion met with immediate approval from Secretary McAdoo.

Mr. Norris retired two years ago from the firm of E. B. Smith & Co., bankers, with the intention of devoting himself to public service. He is one of the directors of the Evans Museum, president of the Philadelphia Housing Commission, vice-president of the City Club, and an ardent supporter of President Wilson.

HELD AS CHINESE SMUGGLER

Another Arrest Made in Alleged Plot to Import Mongolians.

Greenport, Long Island, July 9.—Another arrest was made to-day in connection with the alleged attempt to smuggle Chinese into Connecticut. Hugh Labad, of this place, was arrested on July 2 in New London, Conn., and brought here by a United States marshal. He is now in the Raymond street jail, Brooklyn.

To-day Fletcher Dennis, captain and owner of the sloop Laura May, was arrested by Secret Service men in connection with the same case. It is alleged that after the Chinese had been smuggled into New London from the high seas they were to have been brought here on Dennis's sloop. Search is being made for Charlie Mon, who has had a laundry here for the last ten years, but who has disappeared. He is said to have had knowledge of the smuggling scheme.

VOTES WORTH \$6,000 EACH

Price Quoted to Senator Davis's Manager in West Va. Campaign.

Webster Springs, W. Va., July 9.—Joseph A. McClane, United States Senator Davis Elkins's campaign manager, during the campaign in West Virginia last winter, was a witness in the trial of Rath Duff to-day. Duff was on trial for alleged bribery in connection with the choice of a Senator by the Legislature. McClane detailed a conversation with Duff when the accused was solicited to vote for Elkins.

"A vote for Senator is worth \$6,000 and \$100 a day expense money," McClane said Duff told him. "Duff informed me he had four votes to deliver."

ANTI-TAMMANY MAN SING SING WARDEN

James M. Clancy, Protege of McGuire, Bronx Leader, Gets the Post.

SULZER NAMES HANIFY

One of Governor's Chief Aids in Direct Primary Fight Made Secretary of State Hospital Commission.

[From a Staff Correspondent of The Tribune.] Albany, July 9.—Governor Sulzer to-day recognized Eugene J. McGuire as leader of The Bronx County Democracy by announcing the appointment of James M. Clancy as warden of Sing Sing prison. Clancy is one of the foremost lieutenants of McGuire, who has held several conferences with the Governor concerning the wardenship. The Bronx leader was in Albany this afternoon when the appointment was made by John B. Riley, the new superintendent of prisons. James Connaughton, the principal keeper, has been acting as warden. Clancy, the son of the late Judge Charles M. Clancy, a former Sheriff of New York County, succeeds John S. Kennedy, who was removed following charges against him by George W. Blake, the Governor's special prison investigator. These charges are now being investigated by the Westchester County grand jury.

The appointment of the Bronx man shows that the breach between Governor Sulzer and Tammany Hall is just as wide as ever. McGuire and his followers have been fighting Tammany for the control of Bronx County nearly ever since the new county was created. They were all former Tammany members, but because of their differences with the 14th street organization resigned several days ago.

Arthur Murphy has since been recognized as the Tammany leader of The Bronx, but apparently will get little consideration in the way of patronage from Governor Sulzer.

Mr. Clancy was formerly assistant receiving teller of the Astor Place Bank, but until recently he has had charge of the claims for damages on account of changing grades in the City of New York under the Board of Assessors. He was educated in the public schools and in the College of the City of New York. His new place pays \$3,500 a year and maintenance.

Governor Sulzer to-day appointed John H. Hanify, of New York, to the place of secretary of the State Hospital Commission, which pays a salary of \$3,000 a year. He succeeds T. E. McGarr, who had held the place for twenty-four years. Mr. McGarr will be continued in the service of the commission in another capacity, his resignation as secretary having been accepted to-day.

Mr. Hanify was one of the most active workers for Governor Sulzer during his recent campaign for direct primaries, practically managing the Governor's various speaking trips. In announcing the appointment the Governor said:

"Mr. Hanify was educated at Manhattan College and the College of Physicians and Surgeons in New York. He has made a study of charitable and institutional methods and has been strongly endorsed for the place of secretary by men of standing in the field of philanthropic and civic work."

FILM MEN ENTERTAINED

Delegates the Guests of Hudson River Day Line on New Steamer.

President E. E. Olcott, of the Hudson River Day Line, entertained five hundred delegates to the Motion Picture Exhibitors' League, now in conference at the Grand Central Palace, on a trip up the Hudson last night to Yonkers and return.

The party went on board the new steamer Washington Irving at 43d street. The line had planned the trip incidentally as a test of the popularity of moonlight excursions, and while it was intended for the Exhibitors' League, many others took advantage of it. Among these were General George Uhler, supervising inspector general of the United States steamboat inspection service; William M. K. Olcott; Henry Stenborg, of the Lincoln National Bank; Mr. and Mrs. J. Van Vleeten Olcott; F. Smith, of the Lincoln National Bank; William Hilke, chairman of the entertainment committee; Samuel T. Trigger, Thomas Furness, J. B. Friedman, F. A. Tichenor, H. L. Fox, J. L. Davis and H. A. Sherman.

The line served refreshments on the return trip, and after landing at 43d street the party was further entertained by moving pictures of convention scenes during the last two days. The pictures were thrown on a screen erected on the dock, and attracted a big crowd, both afloat and ashore.

TWO INDIANS ON RAMPAGE

Break "Loose" in Greenwich Village and Battle with Police.

Two Mosquito Indians of Nicaragua, who with six other members of their tribe, were to sail for South America this morning, went on a rampage last night in Greenwich Village and were subdued only by the combined efforts of three detectives, one sergeant and five patrolmen.

Detectives Campbell and Brennecke, of the Charles street station, were watching the crowds and listening to a band concert in Abington Square when they saw an Italian longshoreman running from the direction of Greenwich street with blood streaming from his face. The two detectives stopped him and learned he had been attacked by "two crazy men" on Greenwich street.

In front of No. 84 Greenwich street the detectives saw the two Indians, each armed with a knife, chasing a woman, whose hair was streaming down her back. When the Indians saw the detectives they charged them, and for the next few minutes the crowd watched the four men rolling and fighting all over the pavement. Finally both Indians managed to escape, and with yells of defiance ran into the hallway of No. 84.

In the meantime the Charles street station had been notified, and Sergeant Cavanaugh and five patrolmen started for the scene. They were soon joined by Detective Phelan. After another scuffle the two Indians were taken to the station house. They gave their names as Edward Smith and Charles Smith, and said they were staying temporarily with their aunt, Mrs. Kate Smith, of No. 84 Greenwich street, who is married to a Mosquito Indian. She told the police Edward was a good boy, but that Charlie was just "a miserable Indian."

AMERICAN CHORUS GIRLS WIP POINT IN LONDON

Following Tribune's Disclosures Decourville Agrees to Employ Them for Long Run.

[By Cable to The Tribune.]

London, July 9.—American chorus girls working at the London Hippodrome are not frightened now that their return passage to "the land of the free and the home of the brave" will not be paid, as, learning that The Tribune correspondent had found out that the girls had asked the American Consulate for advice, Albert Decourville, the manager, called the American girls together after the matinee to-day and told them he was satisfied with their services and would give them new contracts for the entire run of "Hello, Ragtime."

Mr. Decourville was surprised that the girls had gone to the consulate to ask where they stood, and said if he could find out who in the company had talked with The Tribune correspondent he would discipline them. Mr. Decourville said to-day:

"I never told the girls or in any way intimated that they should make money on the side. What I did tell them was that if they had a long engagement here, say for six months, they should be able to save money for their return passage. It would be absurd to expect them to save their return passage in a six weeks' engagement. The contracts definitely show that the return passage must be paid if the girls are discharged when the first six weeks expire or in case of that time unless the girls are discharged for drunkenness or other serious cause."

"Two girls of the company were fired for acting very badly. Indeed, they were so drunk that they fell off the runway into the audience. The American girls now here are good workers and are very satisfactory, and I can keep them on a long run if they keep on working well."

As the matter now stands it appears that everything is again serene, as Mr. Decourville says he will keep the girls employed unless they behave badly, and in turn the girls do not expect to do anything in a legal way unless a crisis arises.

RAILROAD MEN CELEBRATE

Officials and Employees of Old West Shore at Dinner.

One hundred and fifty railroad men, ranging from engineers to the presidents, celebrated the thirtieth anniversary of the opening of the first division of the New York, West Shore & Buffalo Railway with a dinner at the Hotel Astor last night. It was the first time these men, all of whom have had something to do with the development and growth of this division, now known as the West Shore Railway, held a get-together dinner.

Representative railroad men from Maine to the Missouri Valley and from the South were in attendance.

The guest of honor was Charles W. Bradley, seventy-five years old, one of the oldest railroad men in active service. He was the first of the minor employees to be promoted a general officer of the company. He became general superintendent of the Chesapeake & Ohio Railroad.

Among those who made speeches were John B. Kerr, vice-president of the New York, Ontario & Western Railway; J. McCulloch, of the New York Telephone Company; F. E. Harriman, local traffic manager of the New York Central; J. H. Hustis, vice-president of the New York Central; C. D. McKelvey, New Jersey Public Utility Commissioner; Ira A. Place, vice-president of the New York Central; Walter B. Pollock, New York Central department commander; J. T. Perry, New York Central president of the Bank & Trust Company.

Two men indicted for abandonment surrendered themselves yesterday at the District Attorney's office and were released in \$1,000 bail each. They are Jacob Brenner, of No. 785 Ely avenue, Astoria, and Maurice Rose, formerly a lawyer, of No. 62 Broadway.

Brenner was arrested in California as a fugitive from justice and his appeal on a writ of habeas corpus is now pending in the United States courts. Rose, according to his wife, Bertha, left her and their two children in Warsaw while he came to New York, where, she heard later, he had obtained a rabbinical divorce.

They procured bonds and were released to await trial. When they eloped Mrs. Tadisco had two children, one of whom, an infant, she brought with her. The child has remained with his mother; Tadisco said to-night that he and Mrs. Tadisco did not feel that they had done wrong in eloping.

ARMY AND NAVY ORDERS.

[From The Tribune Bureau.] Washington, July 9. ORDERS ISSUED.—The following orders have been issued:

ARMY. Second Lieutenant JOHN T. KENNEDY, 6th Cavalry, from Fort Des Moines to his regiment, Texas City. Leaves of absence first Lieutenant ROBERT W. ADAM, 7th Infantry, two months; Captain CLEVELAND C. LANSING, 4th Field Artillery, fifteen days.

NAVY. Commander PHILIP ANDREWS, detached to the Montana, command the Maryland. Lieutenant Commander J. T. TOMPKINS, detached to the Wisconsin, July 11, home; await orders.

Lieutenant J. D. LITTLE, to aid of staff commander in chief, Pacific reserve fleet. Lieutenants (junior grade) J. C. HILLIARD, O. S. A., and J. B. LE BOURGEOIS, L. C. O. S. A., to aid of staff commander in chief, Pacific reserve fleet. Lieutenants (junior grade) J. D. HUNTER, J. H. HATLER, BRUCE ELMORE, C. C. AMMERMAN, E. A. SCHIMMANN and R. L. PAYNE, medical reserve corps, commissioned.

Ensign C. G. HELMICK, resignation accepted. Ensign H. H. BENSON, detached the Severn; connection fitting out the H-2, in command when commissioned.

Chief Machinist B. L. DAKES, to navy yard, Mare Island, July 28. Marine Corps: Second Lieutenant R. H. MARINE, Jr., detached Marine Barracks, navy yard, Washington; advance base school, Philadelphia.

MOVEMENTS OF WARSHIPS.—The following movements of vessels have been reported to the Navy Department:

ARRIVED. July 8.—The Annapolis, at San Diego. July 8.—The Marjorie, at Portsmouth; the Des Moines, at Newport; the California, at Tiburon, Cal.; the Buffalo, at San Francisco.

SAILED. July 7.—The Chattanooga, the Fortuna and the A-5, from Willapa Harbor for Bremerton. July 8.—The Celtic, from Newport for New York; the California, from San Francisco for Tiburon, Cal.; the Buffalo, from Tiburon for San Francisco.

The Cheyenne, from San Francisco, to completion of repairs about August 20. The Ozark, ordered in full commission, navy yard, Norfolk, prior to date set for completing repairs, July 15.

MORTGAGES AT 5% THEY are the best investment in uncertain times like these.

We can supply investors with choice mortgages at 5% and give them comfort and peace of mind besides.

It is an opportunity that careful men should embrace.

TITLE GUARANTEE AND TRUST CO. Capital . . . \$5,000,000 Surplus (all earned) 11,000,000 176 B'way, N. Y. 175 Remond St., N.Y. 250 Fulton St., Jamaica.

MORSE LINE ENJOINED

Rival Seeks to Shut Its Steamers Out of Poughkeepsie.

[By Telegraph to The Tribune.] Poughkeepsie, N. Y., July 9.—In an effort to shut out the Hudson Navigation Company, the Central Hudson Steamboat Company, which is one of those affected by the cut in rates and the invasion of the day service by the Hudson Navigation Company, to-day struck its first blow in retaliation. It obtained an injunction from Judge Hasbrouck restraining the navigation company from erecting gates or fences at Main street wharf here.

The injunction is returnable at Newburgh on July 13. Ex-Governor Benjamin R. Odell, Jr., of Newburgh, treasurer of the Central company, swore out the complaint against the Hudson Navigation Company and the city of Poughkeepsie.

The complaint states that the city of Poughkeepsie, without reason or warrant, claims to own and control a portion of the dock, and through the common council or other officers has undertaken to lease or grant certain rights to the navigation company.

The Central Hudson Company claims that the erection of the fences would subject them to irreparable damage.

KNOCKS OUT ACTING MAYOR

Lawyer's Blow to Head Ends Fight in One Round.

[From The Tribune Correspondent.] Red Bank, N. J., July 9.—In a one-round fight in front of the borough hall this afternoon Joseph Reilly, a lawyer, knocked down Acting Mayor Horace P. Cook with a straight right hand blow on the head.

With his nose bleeding and his left eye injured the acting mayor got to his feet and made a rush for Reilly.

Reilly backed away and jumped into an automobile owned by L. E. Brown. A large crowd gathered, but there was no second round.

The argument arose when the acting mayor was told by Arthur L. Wymbs, chief of police, that Reilly, of counsel for Fred M. Bruno, a wholesale liquor dealer, whose license case came up for a hearing to-morrow in Freehold, had six of the police force of eight under subpoena to appear in court to-morrow.

Judge John E. Foster, of the Common Pleas Court, was drawn into the case when Mr. Cook telephoned to him at his office, at No. 16 Broadway, New York, and asked whether it was necessary to have all the policemen in court to-morrow.

The acting mayor thought the town should not be left without police protection. The judge said it was not necessary for the policemen to appear in court, and Chief Wymbs was sent to give the message to Reilly. The chief says the lawyer called him a grafter and ordered him out of his office.

The chief took his troubles to the acting mayor, and by the usual stages the street fight followed.

TWO HUSBANDS SURRENDER.

Men Indicted for Abandonment Are Then Released in \$1,000 Bail.

Two men indicted for abandonment surrendered themselves yesterday at the District Attorney's office and were released in \$1,000 bail each. They are Jacob Brenner, of No. 785 Ely avenue, Astoria, and Maurice Rose, formerly a lawyer, of No. 62 Broadway.

Brenner was arrested in California as a fugitive from justice and his appeal on a writ of habeas corpus is now pending in the United States courts. Rose, according to his wife, Bertha, left her and their two children in Warsaw while he came to New York, where, she heard later, he had obtained a rabbinical divorce.

They procured bonds and were released to await trial. When they eloped Mrs. Tadisco had two children, one of whom, an infant, she brought with her. The child has remained with his mother; Tadisco said to-night that he and Mrs. Tadisco did not feel that they had done wrong in eloping.

NEW HIGHWAY OFFICIAL NAMED. Albany, July 9.—Walter F. Wilson, of Louisville, St. Lawrence County, was appointed Third Deputy Commissioner in the State Highway Department to-day by Commissioner Carlisle. Mr. Wilson will have charge of the Bureau of Town Highways. He has been superintendent of St. Lawrence County highways for several years.

BIRD MOOSE CANDIDATE AGAIN. East Walpole, Mass., July 9.—Charles Sumner Bird, candidate of the Progressive party for Governor in the last state election, to-night announced that he had authorized the placing of his name before in circulation as a candidate of the same party for Governor this year.

FREE "LIFE PRISONER" HELD AS A WITNESS

Judges, Hearing Facts of Detention of 16 Months, Release John Plotz, 74 Years Old.

Justice Swayze, sitting in the Supreme Court in Jersey City, yesterday afternoon discharged from the county jail John Plotz, an aged man, who had been held a prisoner for sixteen months on a civil process and, being penniless, had been unable to retain a lawyer or secure bail. It might have been equivalent to a life sentence—he is seventy-four years old—had his wife not appealed to Justice Swayze and thus made known facts concerning Plotz's detention.

Plotz and his wife were induced to trade their farm in Delaware, for which they paid \$1,350, the savings of many years, for lots in Linden, N. J., which they declare to be practically worthless. Plotz started suit to have the conveyances annulled and charged that the realty man, Langener, had cheated him. The realty man instituted action for slander and had the capias issued on which the arrest was made.

County Counsel Thomas Haight, who, at the request of Justice Swayze, took charge of the case, investigated the papers on file at Trenton and reported to Justice Swayze yesterday afternoon, when the aged man was formally discharged. Mr. Haight stated that he would permit Mr. Plotz to contribute the expenses, but Justice Swayze requested that he be permitted to pay one-half. County Counsel Haight intimated that additional action would be taken.

IGNORES HIS WIFE'S SUIT N. Y. Lawyer Refuses to Answer in Reno Divorce Case.

[By Telegraph to The Tribune.] Reno, July 9.—Controversy over the custody of their child has resulted in a serious hitch in the divorce proceedings brought by Lillian M. Bernstein against Edward W. Bernstein, a lawyer of No. 299 Broadway, New York. The case is a novelty in Nevada divorce actions.

The wife has a child with her here and is determined to maintain its custody through judicial decree. The defendant wants the child and refuses to appear, answer or have anything to do with the case.

The wife says she will not be satisfied with any decree wherein her husband permits default, with possibilities of future trouble in New York courts if he should attempt to overthrow the Nevada judgment.

HAMMERSTEIN SUE

BY METROPOLITAN

Continued from first page.

and that it has been able to continue only through the support of its directors. The papers add that while Oscar Hammerstein was competing with the Metropolitan the ventures of the plaintiff and defendant were run at large losses.

Attached to the summons is an interesting document known as "Exhibit C." This is an agreement made on April 15, 1910, and bears the signature of Oscar Hammerstein. It contains the following clause: "I hereby authorize and empower my said attorney to enter into an agreement in writing, under seal, with said purchaser, in a form satisfactory to my said attorney-in-fact, to the effect that I will not for the term of ten years from the date of any such agreement engage in or be directly or indirectly connected, either as owner, partner, officer, director, stockholder or otherwise, in any business, partnership or corporation that may during said term be or become engaged in the business of producing opera in any part of the United States of America."

The correspondence between Hammerstein and the Metropolitan opens with a letter of November 29, 1912, requesting the Metropolitan to grant him permission to give opera in English at popular prices, and ends with his letter of May 19, 1913, defying the Metropolitan, which had, through its secretary, threatened him with legal proceedings for the enforcement of the contract of April 28.

It was in this last mentioned letter that Oscar let it be known that not only would he give opera in English at prices running from \$3 down to 50 cents, but that he would give opera in any other language at the Metropolitan's prices, which run to \$6, whenever he saw fit. This letter